

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 835 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

C K ZALA

Versus

STATE OF GUJARAT

Appearance:

MR AS SUPEHIA for Petitioner

MR LR PUJARI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/03/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. The petitioner, a Police Inspector of the Police Department, Government of Gujarat, filed this Special Civil Application before this Court and prayer has been made for direction to the respondents to promote him on the post of Deputy Superintendent of Police with effect from 21.2.87. Further prayer has been made for

directions to the respondents to consider his case for promotion.

3. In the reply to the Special Civil Application, the respondents have come up with the case that the case of the petitioner was considered by Departmental Promotion Committee for promotion when the petitioner came in the zone of consideration for the first time in the year 1983-84, but he was not found suitable for promotion. Then again his case was examined by the Departmental Promotion Committee in its meeting held on 9.10.86, for promotion, but again he was not found suitable for promotion and juniors were promoted because they were found suitable for promotion by Departmental Promotion Committee. The petitioner has only a right of consideration for promotion which right has not been denied to the petitioner. The criteria for promotion to the post of Deputy Superintendent of Police is proved merits and efficiency and in case the petitioner could not compete to the merits then certainly the respondents have not committed any error in case they have superseded the petitioner. None of the legal or fundamental rights of the petitioner are infringed and the prayer made by the petitioner in this Special Civil Application cannot be granted, in view of the uncontroverted facts which have come on record of this case.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)